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C O N F I D E N T I A L SECTION 01 OF 02 DAMASCUS 004613

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TAGS: [PHUM](#) [PGOV](#) [SY](#)

SUBJECT: SYRIA HUMAN RIGHTS UPDATE: LABWANI IN COURT,
FILMMAKER DETAINED, KURDS ON TRIAL,

REF: A. DAMASCUS 4200

[B](#). DAMASCUS 4482

Classified By: Charge d'Affaires Michael H. Corbin for reasons 1.4 b/d

[1](#)1. (C) Summary: Jailed political activist Kamal Lawbani appeared in court September 19, as an assistant public prosecutor reaffirmed potential capital changes against him. The public prosecutor's statement seemed to shift the basis for the charges from two televised interviews given by Labwani to October-November 2005 meetings with U.S. officials and in Europe. The next court date is October 29. In other news, a Syrian filmmaker was briefly detained September 18 and banned from travel after the recent airing on Al-Arabiyyeh television of his documentary critical of the Syrian Ba'ath Party. On September 7, a Damascus military judge postponed for the second time the start of the trial of 49 Kurdish defendants charged for their involvement in June 2005 demonstrations in Hassake against the assassination of Kurdish civil society activist and Sunni religious leader Sheikh Mashook al-Khaznawi. Kurdish activists say court authorities are deliberately delaying the trial to cause hardship by leaving the defendants in limbo. End Summary.

[1](#)2. (C) LABWANI TRIAL: Jailed political activist Kamal Labwani appeared September 19 in criminal court. The session consisted of the reading of a four-page statement by the assistant public prosecutor, reaffirming the April 29 indictment against Labwani of having contact with a foreign power and encouraging the foreign power to invade Syria, a charge that could carry the death sentence. The public prosecutor's statement seemed to shift the basis for the charges from Labwani's two televised interviews on Al-Hurra and Al-Mustaquila to October-November 2005 meetings with European and U.S. officials, including U.S. Deputy National Security Advisor J.D. Crouch and then-U.S. Ambassador to Syria Margaret Scobey (and Syrian Muslim Brotherhood leader Ali Bayanouni in Europe--a meeting confirmed after the session by Labwani's brother, who added that Kamal met Bayanouni to discuss the Damascus Declaration and press for Muslim Brotherhood commitment to a secular Syria. Bayanouni, in turn, pressed for Labwani's help mediating between the Brotherhood and the U.S. Administration, said Labwani's brother.). According to the prosecution's statement, Labwani called in his meetings with USG officials for political and diplomatic pressure on Syria, including the broadening of sanctions under the Syria Accountability Act. Given this and the U.S. relationship with Israel, Labwani's meetings and U.S. pressure on Syria constituted an attack against the country, according to the prosecutor's statement.

13. (C) After the session, Labwani,s lawyer Muhanned al-Hasani thanked Poloff for a letter from the Charge, explaining the Voluntary and International Visitor's Program, with reference to past participation in the program by an unnamed current SARG minister and a past minister. Al-Hassani reiterated, however, his desire for sworn depositions by Crouch and Scobey but suggested they might merely state that during meetings with USG officials, Labwani never sought to incite any attack or aggression against Syria. Labwani,s family said that the prosecutor's statement suggested that Labwani was being held symbolically accountable for the Arab world's struggle with Israel (and, by association, the United States). The next court date is scheduled for October 29.

14. (SBU) FILMMAKER DETAINED: Syrian documentary director Omar Amiralai was detained for 13 hours on September 18 and then barred from traveling to Jordan to work on his latest film, according to media reports quoting local human rights activists. Amiralai said that security officials questioned him at length about the recent airing on al-Arabiyyeh satellite TV channel of his 2004 documentary film called "The Flood," which indirectly criticizes Ba'ath Party principles, according to press reports.

15. (C) KURDISH DEFENDANTS' TRIAL POSTPONED: A Mezzeh Military Court judge postponed for the second time on September 7 the start of the trial of 49 Kurdish defendants charged for their involvement in June 2005 demonstrations in Hassake against the alleged SARG involvement in the assassination of Kurdish civil society activist and Sunni religious leader Sheikh Mashook al-Khaznawi. The judge cited the absence of some of the defendants as a reason for the

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trial's postponement. Kurdish human rights organizers at the trial claimed, however, that Syrian authorities are causing hardship by leaving the defendants in limbo.

16. (C) DAMASCUS-BEIRUT DECLARATION DETAINEE RELEASED: The September 5 release of Mohamed Mahfoudh (reftel B) came after his lawyers successfully appealed a lower court decision denying bail to the Damascus-Beirut Declaration signatory, according to his lawyers who spoke to an Embassy FSN. Mahfoudh neither denied signing the petition (as did three other jailed activists released in mid-July), nor did he sign any petition asking to be released, according to the lawyers. Declaration signatories who remain in prison include Syrian intellectual Michel Kilo and human rights lawyer Anwar al-Bunni.

17. (SBU) WRITER MAHMOUD SAREM RELEASED: Separately, local human rights organizations announced the September 20 release on bail of writer Mahmoud Sarem who was arrested in September 2005 and charged with publicly criticizing the government and the President.
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